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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,954

01/10/2006

Werner Pfeiffer

50244

3594

1609

7590

12/06/2010

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.

1300 19TH STREET, N.W.

SUITE 600

WASHINGTON,, DC 20036

EXAMINER

POPOVICS, ROBERT J

ART UNIT

PAPER NUMBER

1776

MAIL DATE

DELIVERY MODE

12/06/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/563,954	Applicant(s) PFEIFFER, WERNER	
	Examiner Robert James Popovics	Art Unit 1776	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In view of the **appeal brief** filed on **October 7, 2010**, **PROSECUTION IS HEREBY REOPENED**. Rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

**/Duane Smith/
Supervisory Patent Examiner
Art Unit 1776**

Specification

It is requested that Applicant amend his specification to include reference to equivalent U.S. Patents, or other English language documents if known, where non-English patents/documents are referenced.

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Election/Restrictions

Applicant's **Election** is again acknowledged:

Applicant again provisionally elects species 2 (Figs. 3 and 3a).

Claims 8, 9, 12-15, 18 and 19 are generic to all three species. Claims 10 and 16 read on the elected species, as well as species 3 (Figs. 4 and 4a). Claims 11 and 17 read on the elected species. Thus, all pending claims read on the elected species.

Prompt and favorable action is solicited.

Respectfully submitted,

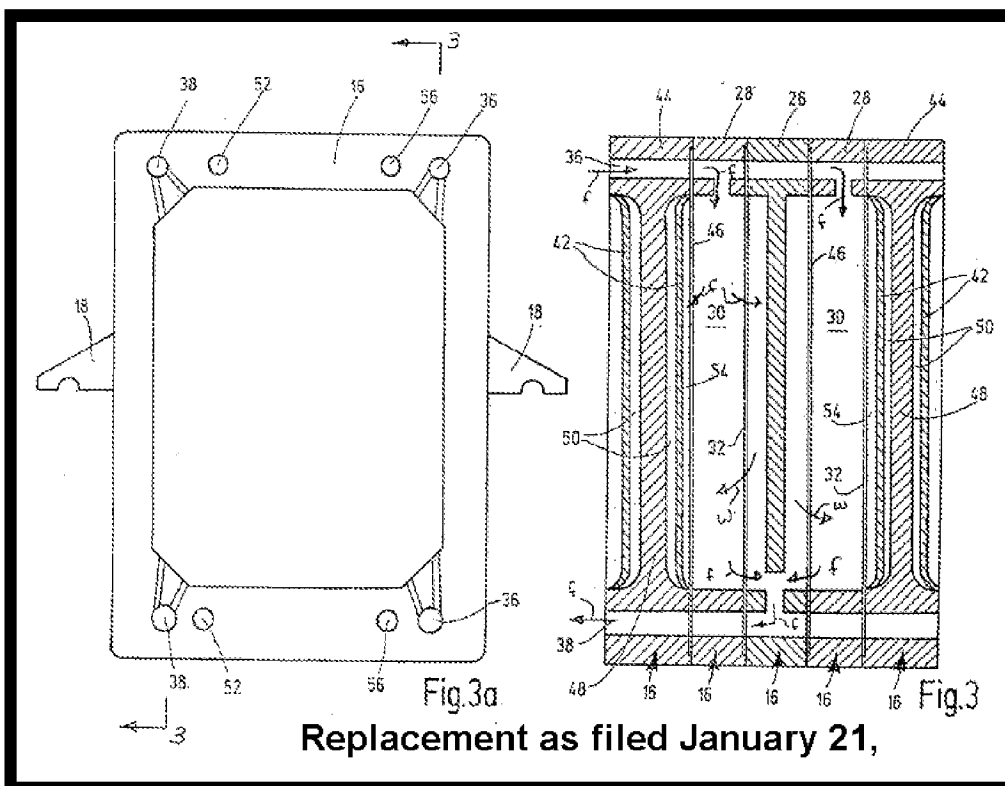
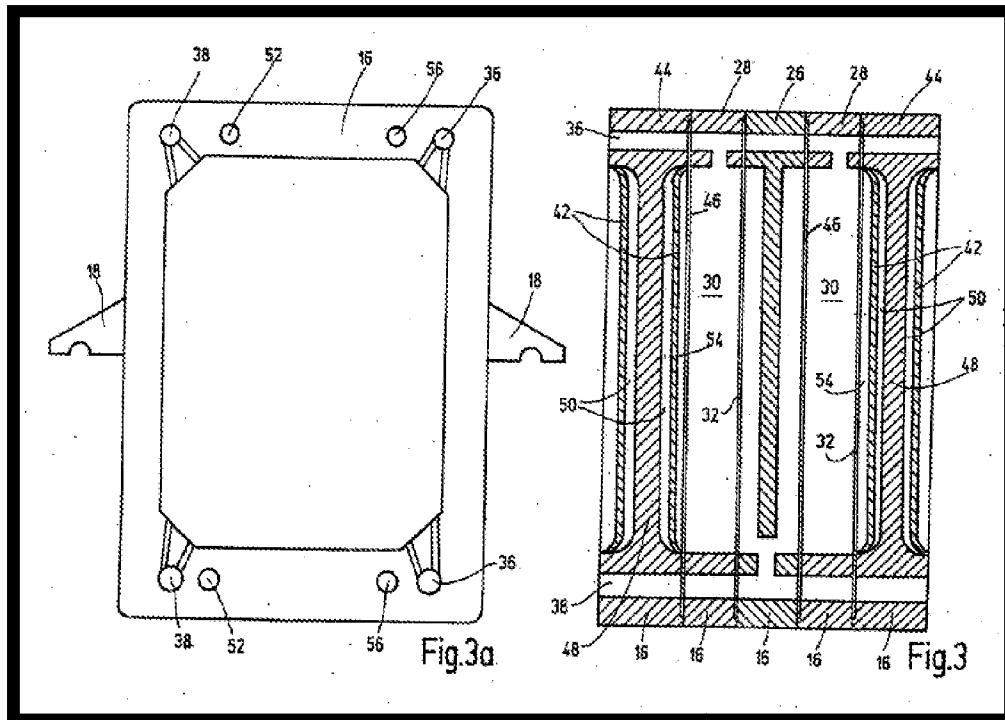
Dated: August 28, 2007



Mark S. Bieks
Reg. No. 28,770

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Elected Species

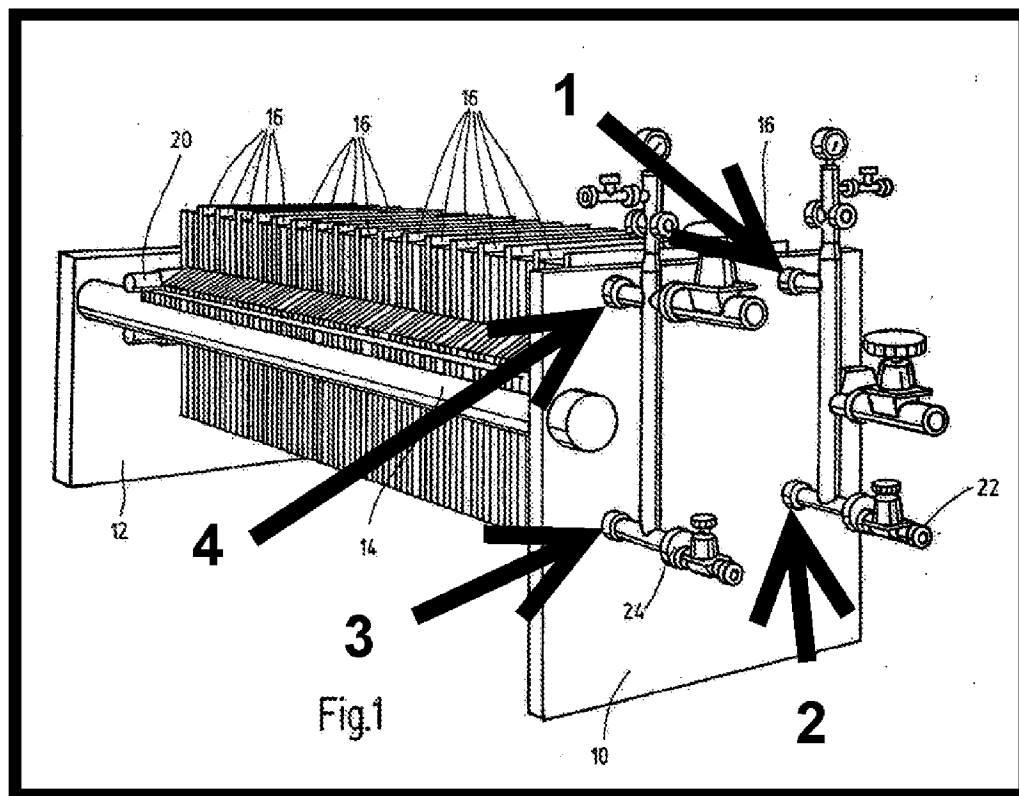


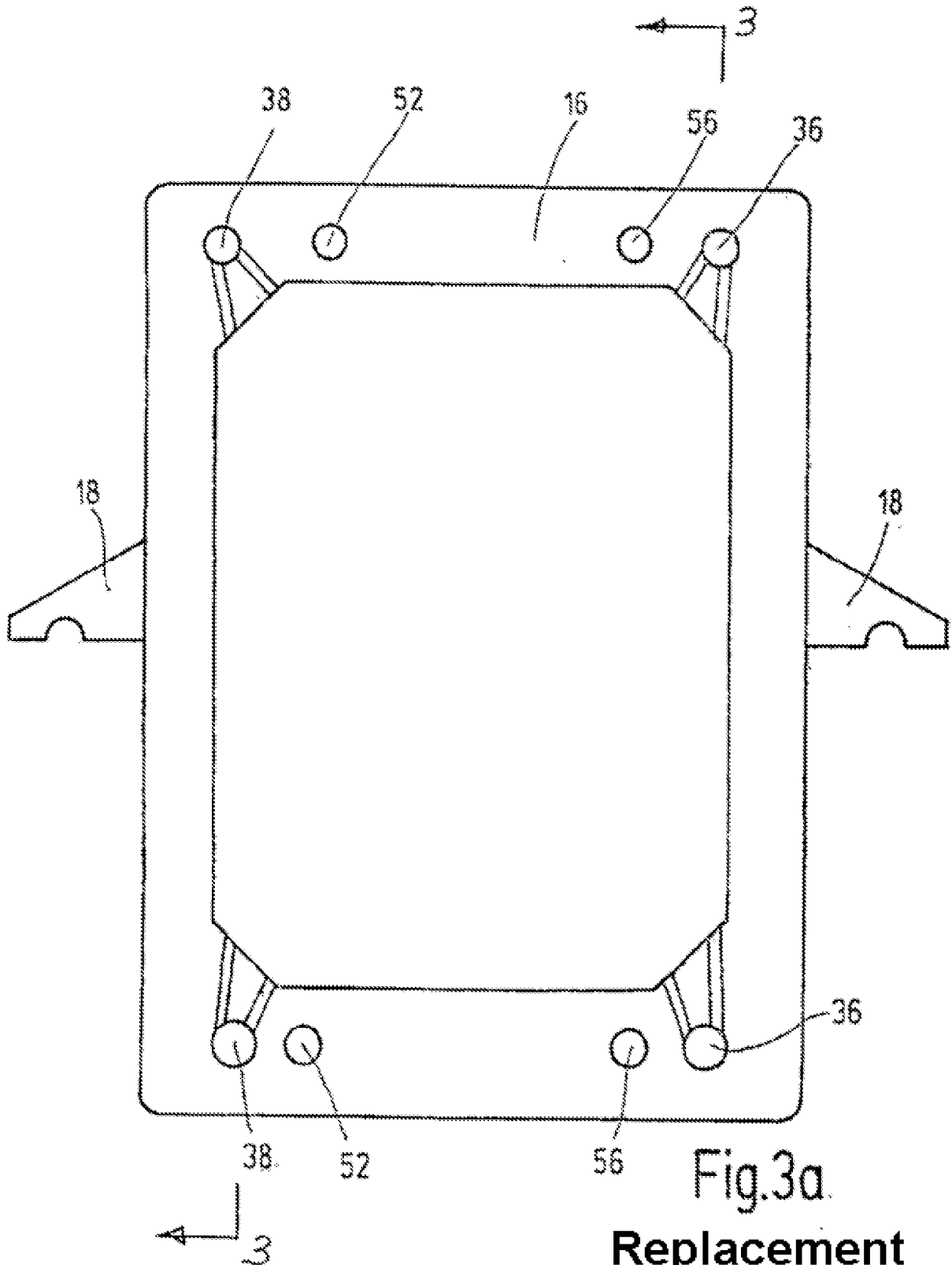
Replacement as filed January 21,

Claim Rejections - 35 USC § 112

Claims **8-21** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicant has failed to teach those skilled in the art how fluid communication between the **FOUR** unlabeled ports (see annotated Figure 1 below) in “**mounting plate**” **10** and the **EIGHT** orifices/ports (**38, 52, 56** and **36** in the top; **38, 52, 56** and **36** in the bottom) in the **frame 16** of **Figure 3a** takes place.





During a **telephone interview** conducted on **December 2, 2010**, **Mr. Bicks** expressed the belief that one of ordinary skill in the art would know that the ports 38 and 40 (referencing non-elected Figure 2a by way of example), both being outlets or outputs, would somehow be connected. The undersigned disagreed with **Mr. Bicks** then, and continues to do so.

As depicted in **Figure 1**, **frame 16** is pressed against "**mounting plate**" **10**. It is unclear from the disclosure (including and considering those supplemental portions that were added years after the initial filing) how the **EIGHT** ports/orifices of frame 16 of **Figure 3A** fluidically communicate with the **FOUR** unlabeled ports/orifices of "**mounting plate**" **10** as depicted in Figure 1. The disclosure (including and considering those supplemental portions that were added years after the initial filing) fails to teach how these ports/orifices communicate with each other. For this specific technical reason, one skilled in the art would be unable practice the invention without undue experimentation.

Additionally, it is unclear how pressure spaces 52 and pressure spaces 50 communicate with other volumes or spaces within the system. Applicant points to non-elected **Figure 4a** in his brief, asserting:

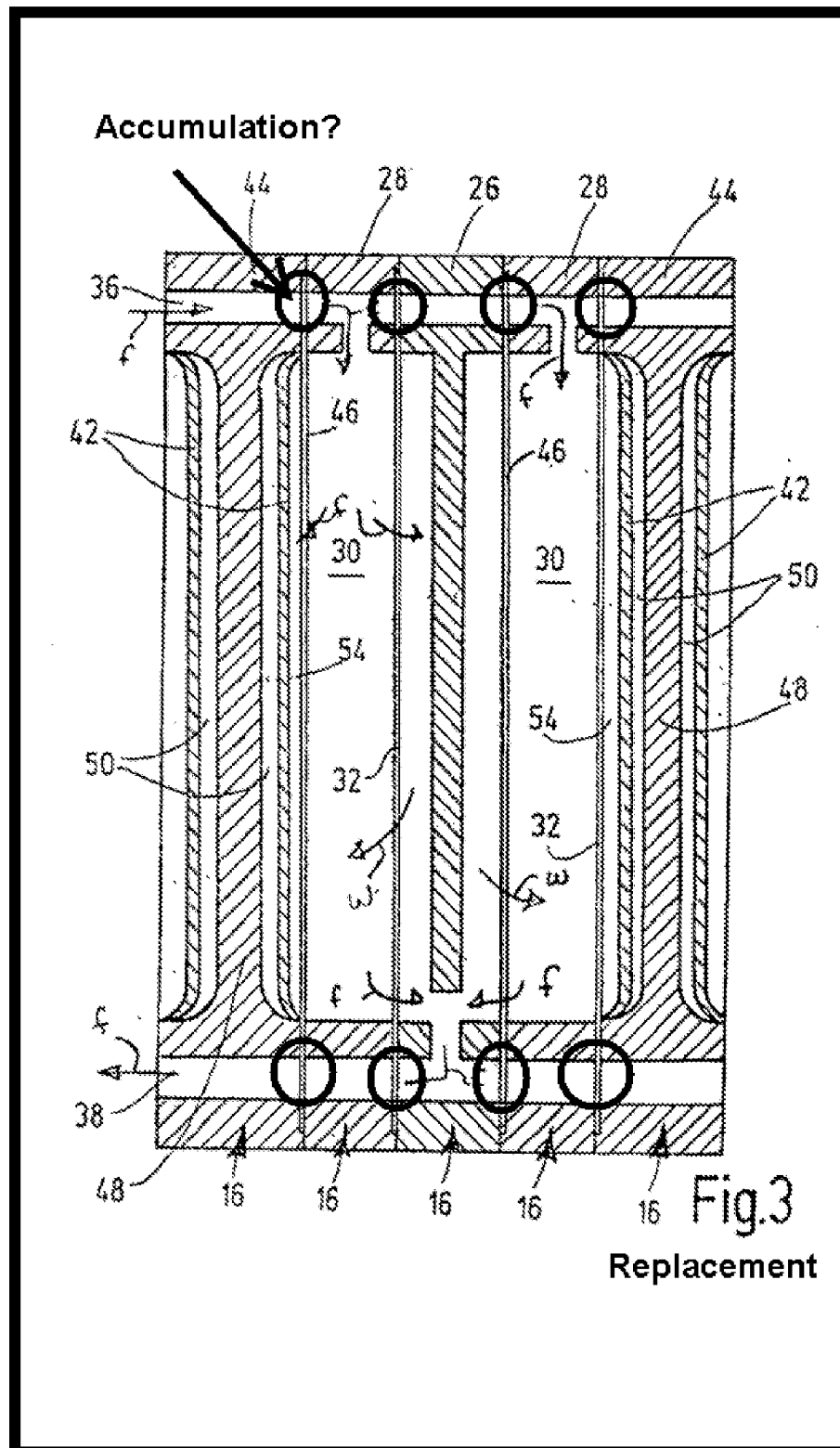
Specifically, one skilled in this art would readily recognize that pressure spaces 50 are connected to pressure channels 50 by connecting passages as shown, for example, in Fig. 4a. These connecting passages structurally correspond to those connecting passages provided for input channels 36 and output channels 38, 40 to connect channels 36, 38, 40 to spaces 30. Since the connections to spaces 30 are admittedly adequately disclosed, the connections of spaces 50 to channels 52 are also adequately disclosed to enable one skilled in the art to make and use the claimed invention.

Appeal Brief of October 7, 2010 - Page 5

It is unclear why the same “**connecting passages**” do not appear in Figure 3a. Does the depiction in **Figure 3a** present a different construction, or an erroneous one, when compared to **Figure 4a**? But this reference to **Figure 4a** brings out another point of confusion. If, as shown in **Figure 4a**, the “**output channels**” 38 and 40, the “**input channel**” 36, and the “**pressure channel**” 52 all communicate with the same volume as depicted in **Figure 4a**, then, how is filtration accomplished? What forces the unfiltered material through the filter media? Why would the unfiltered material not immediately go from the “**input channel**” 36 to the “**output channels**” 38 and 40?

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It is unclear how **“unfiltered material”** flows through Applicant’s filter.



Applicant's **Figure 3** et al. depict **filter cloth 46** extending across "**input channel**" **36**, and "**filtrate channel**" **38** at numerous locations (see Replacement Fig. 3 above which has been annotated by the undersigned with eight small circles encircling the areas having filter cloth which are in question). The passage of "**unfiltered material**" across the first encountered section of "**input channel**" **36** would appear to immediately cause that section of filter cloth to blind, or become blocked, given that it is so small in cross-sectional area and would be subject to immediate, enormous accumulation. It is unclear how other sections of filter cloth 46 would see, or be the recipient of any "**unfiltered material**." It is unclear why the filter cloth is at any of the encircled locations. The disclosure (including and considering those supplemental portions that were added years after the initial filing) fails to teach why filter cloth is at the locations encircled in **Figure 3** above. For this specific technical reason, one skilled in the art would be unable practice the invention without undue experimentation.

Claim Rejections - 35 USC § 103

Claims **8-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of **Sebastian (US 6,641,726)** and **Kearney (US 5,366,627)**.

Sebastian discloses a filtration system:

<p>(12) United States Patent Sebastian</p>	<p>(10) Patent No.: US 6,641,726 B1 (45) Date of Patent: Nov. 4, 2003</p>
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<p>(54) FILTER DEVICE, AND FILTRATION AND CLEANING METHOD</p> <p>(75) Inventor: Horst J Sebastian, Westhofen (DE)</p> <p>(73) Assignee: H. Strassburger GmbH & Co. KG, Westhofen (DE)</p> <p>(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.</p> <p>(21) Appl. No.: 09/831,475</p> <p>(22) PCT Filed: Nov. 11, 1999</p> <p>(86) PCT No.: PCT/EP99/08708</p> <p>§ 371 (c)(1), (2), (4) Date: May 9, 2001</p> <p>(87) PCT Pub. No.: WO00/29089 PCT Pub. Date: May 25, 2000</p> <p>(30) Foreign Application Priority Data Nov. 12, 1998 (DE) 198 52 684</p> <p>(51) Int. Cl.⁷ B01D 25/12</p> <p>(52) U.S. Cl. 210/225; 100/197; 100/211; 210/227; 210/230; 210/231</p> <p>(58) Field of Search 210/224-225, 210/227-231, 232; 100/197, 211</p> <p>(56) References Cited</p> <p style="text-align: center;">U.S. PATENT DOCUMENTS</p> <p>3,931,014 A * 1/1976 Heinbach et al. 210/231 3,957,645 A * 5/1976 Kurita et al. 210/231 4,235,721 A * 11/1980 Nakamura et al. 210/227 4,608,164 A * 8/1986 Neu 210/231 4,740,482 A * 6/1988 Bonn 210/231 5,198,123 A * 3/1993 Stover et al. 100/197 5,246,578 A * 9/1993 Spiegel et al. 210/225 5,366,627 A * 11/1994 Kearney et al. 210/224</p>	<p>5,464,526 A * 1/1996 Bonn 210/231</p> <p style="text-align: center;">FOREIGN PATENT DOCUMENTS</p> <table border="0"> <tr><td>DE</td><td>19 65 323</td><td>5/1968</td></tr> <tr><td>DE</td><td>22 51 265</td><td>5/1974</td></tr> <tr><td>DE</td><td>39 06 816</td><td>9/1990</td></tr> <tr><td>DE</td><td>39 32 422</td><td>4/1991</td></tr> <tr><td>DE</td><td>88 17 054.3</td><td>5/1992</td></tr> <tr><td>EP</td><td>0 142 173</td><td>5/1985</td></tr> <tr><td>EP</td><td>0 207 555</td><td>1/1987</td></tr> <tr><td>EP</td><td>0 232 735</td><td>8/1987</td></tr> <tr><td>EP</td><td>0 318 872</td><td>6/1989</td></tr> <tr><td>EP</td><td>0 419 931</td><td>4/1991</td></tr> <tr><td>FR</td><td>2 720 658</td><td>12/1995</td></tr> <tr><td>GB</td><td>2 200 361</td><td>8/1988</td></tr> <tr><td>GB</td><td>1 022 928</td><td>3/1996</td></tr> </table> <p style="text-align: center;">OTHER PUBLICATIONS</p> <p>Ullmanns Encyklopadie der technischen Chemie, 4. Auflage, Band 2, 1972, pp. 178-181, 194. Lueger, Lexikon der Technik, 4. Auflage, Band 16, 1970, pp. 148-149.</p> <p>* cited by examiner</p> <p>Primary Examiner—Joseph Drodge (74) Attorney, Agent, or Firm—Hudak, Shunk & Farine, Co. LPA</p> <p>(57) ABSTRACT</p> <p>The present invention relates to a filter device for completely removing residual amounts, after filtration, from the space of the unfiltered product. The filter device comprises a plurality of parallel filtration plates which are separated by filtration layers as well as by membrane plates submitted to the action of pressurized air. The membrane plates are exclusively covered on both sides by a stretched membrane, wherein said membranes have a smooth outer surface and are made of a flexible material so as to cover completely the adjacent space of the unfiltered product.</p> <p style="text-align: right;">15 Claims, 7 Drawing Sheets</p>	DE	19 65 323	5/1968	DE	22 51 265	5/1974	DE	39 06 816	9/1990	DE	39 32 422	4/1991	DE	88 17 054.3	5/1992	EP	0 142 173	5/1985	EP	0 207 555	1/1987	EP	0 232 735	8/1987	EP	0 318 872	6/1989	EP	0 419 931	4/1991	FR	2 720 658	12/1995	GB	2 200 361	8/1988	GB	1 022 928	3/1996
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EP	0 318 872	6/1989																																						
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FR	2 720 658	12/1995																																						
GB	2 200 361	8/1988																																						
GB	1 022 928	3/1996																																						

Sebastian does not appear to disclose the claimed washing steps, or the filtration of blood fractions.

United States Patent [19]

Kearney et al.

US005366627A

[11] Patent Number: 5,366,627

[45] Date of Patent: Nov. 22, 1994

[54] ENCLOSED THOROUGH WASH FILTER PRESS

[75] Inventors: William P. Kearney, Kingston;
George T. Quigley, Cottekill, both of
N.Y.

[73] Assignee: Stavo Industries, Inc., Kingston, N.Y.

[21] Appl. No.: 95,800

[22] Filed: Jul. 22, 1993

[51] Int. Cl.³ B01D 25/12

[52] U.S. Cl. 210/224; 210/228;
210/248; 210/772

[58] Field of Search 210/225, 230, 236-238,
210/224, 772, 248, 227, 228; 100/197

[56] References Cited

U.S. PATENT DOCUMENTS

842,484 1/1907 Merrill 210/225
4,737,285 4/1988 Krulitch et al. 210/230

FOREIGN PATENT DOCUMENTS

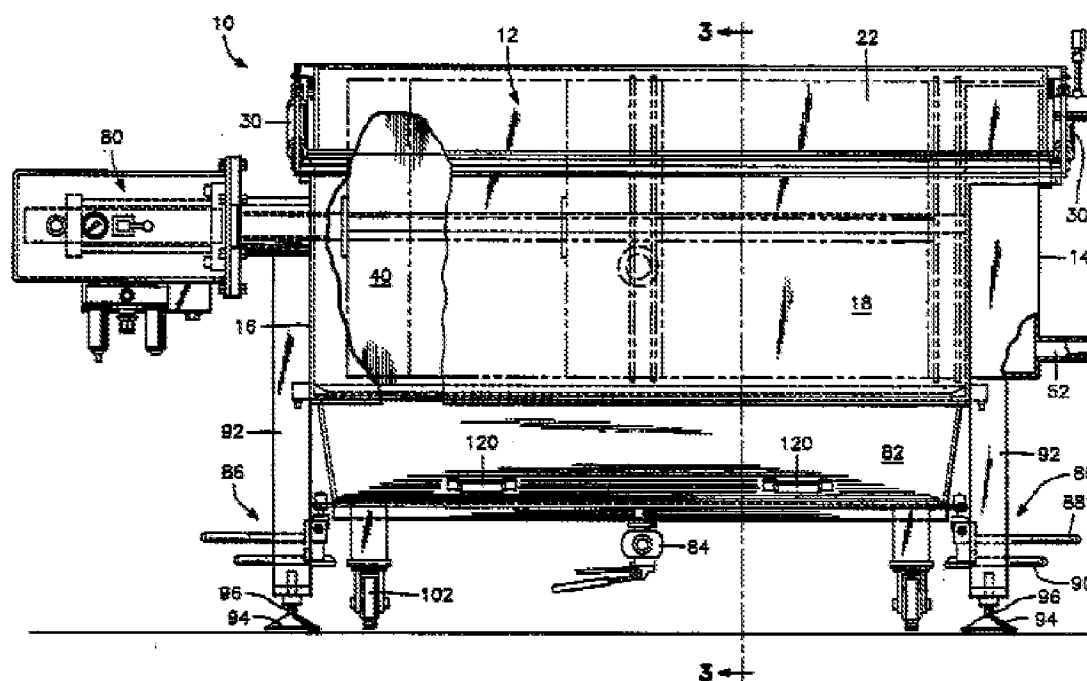
3814397 11/1989 Germany 210/225

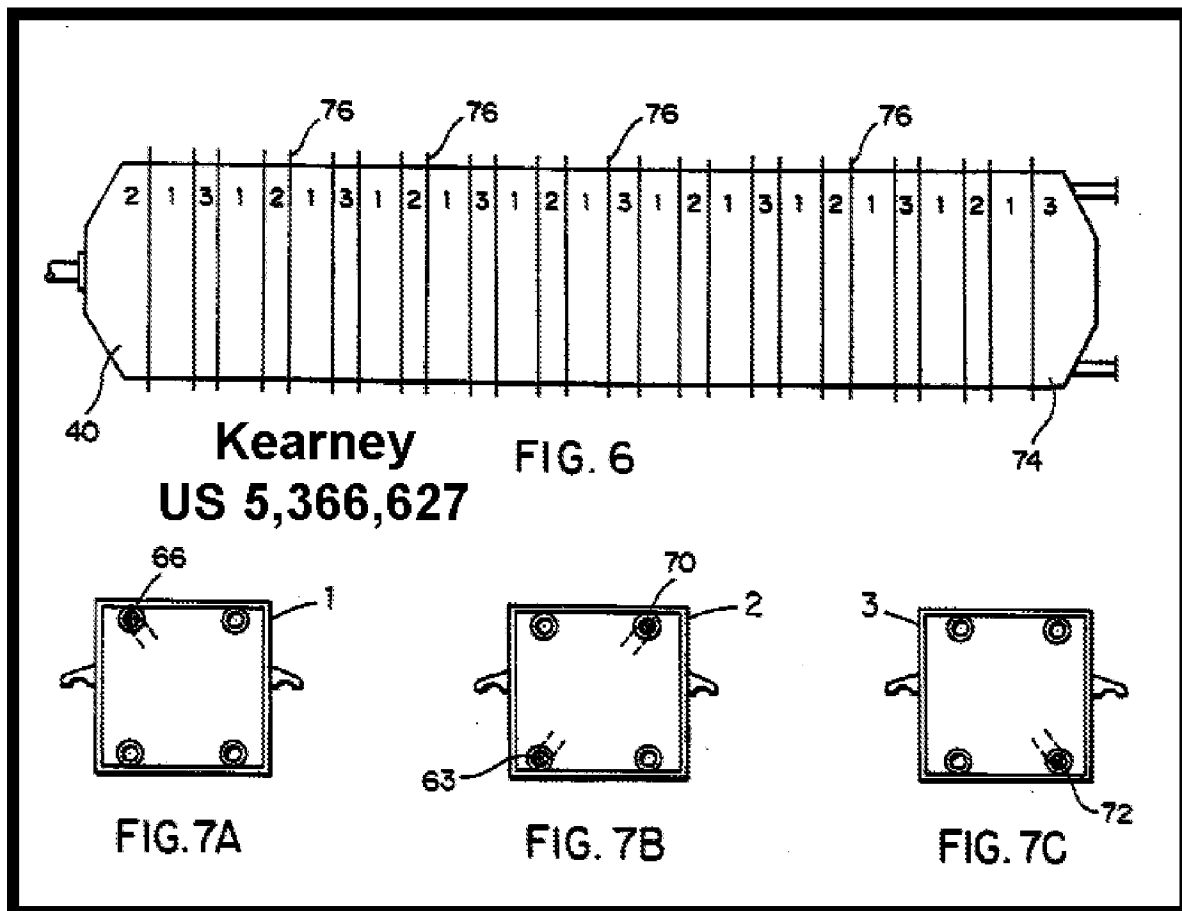
Primary Examiner—Matthew O. Savage
Attorney, Agent, or Firm—Jacobson, Price, Holman &
Stern

ABSTRACT

A thorough wash operation of a process fluid is conducted within the confines of an enclosed housing. The housing includes four ports at one side of the housing for transmission of process fluids through a plurality of press frames so as to (1) separate solids from a principal liquid to recover a valuable commodity in the solid cakes formed from the principal liquid, or (2) remove contaminants from the principal liquid so as to recover a cleansed principal liquid, or (3) introduce a valuable commodity into a wash liquid from filter cakes formed from the principal liquid, which valuable commodity may subsequently be removed from the wash liquid. A drip pan hopper is removably secured to a bottom of the housing.

18 Claims, 4 Drawing Sheets





Kearney discloses the use of a plate and frame filtration system employing enclosed through washing means:

US 5,366,627 to Kearney

Column 2

20 SUMMARY OF THE INVENTION

By the present invention, it is now possible to conduct a thorough wash operation of a process fluid within the confines of an enclosed housing. The housing includes four ports at one side of the housing for transmission of process fluids through a plurality of press frames so as to (1) separate solids from a principal liquid to recover a valuable commodity in the solid cakes formed from the principal liquid, or (2) remove contaminants from the principal liquid so as to recover a cleansed principal liquid, or (3) introduce a valuable commodity into a wash liquid from filter cakes formed from the principal liquid, which valuable commodity may subsequently be removed from the wash liquid.

35 Application of this invention is made, for example, to the treatment of volatile components, liquids which are easily vaporized or for high temperature liquid applications. A typical application is in the pharmaceutical industry, where blood fractions need to be separated from a principal liquid.

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It would have been obvious to modify the system of **Sebastian** by employing a through washing scheme as taught by **Kearny** in order to recover valuable commodities, such as blood products, as expressly taught by **Kearney** in the passage above.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. This action is **NOT FINAL**.

Comment on Appeal Brief

The “**Summary of the Invention**” in the **Brief** submitted on **October 7, 2010** refers almost exclusively to figures depicting a non-elected species. Any future “**Summary of the Invention**” shall refer to drawings depicting the **elected species**.

Any inquiry concerning this communication should be directed to Robert James Popovics at telephone number (571) 272-1164.

**/Robert James Popovics/
Primary Examiner
Art Unit 1776**